

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSE JONES,

Plaintiff,

Case No. 1:12-cv-1283

v.

HON. JANET T. NEFF

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

ORDER APPROVING REPORT AND RECOMMENDATION

This is a civil action. Defendants Michigan Department of Corrections and Daniel Heyns filed a Motion to Dismiss (Dkt 4). Defendants Mary Berghuis, Maria Sahagun and Rebecca Wright also filed a Motion to Dismiss (Dkt 15). These motions were referred to the Magistrate Judge, who issued a Report and Recommendation on August 8, 2013, recommending that Defendants' motions be granted in part and denied without prejudice in part. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Dkt 43) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motions to Dismiss (Dkts 4, 15) are GRANTED IN PART AND DENIED WITHOUT PREJUDICE IN PART. Defendants' motions on exhaustion grounds are denied without prejudice. Defendants' motions regarding events occurring prior to October 6, 2010, at which time Plaintiff executed a settlement agreement in an earlier case, *Jones v. MDOC*, Case No. 1:09-cv-508, are granted. Defendants' motions regarding

failure to state a claim are denied without prejudice to reassertion of the argument after Plaintiff's amended complaint.

Dated: August 27, 2013

/s/Janet T. Neff
JANET T. NEFF
United States District Judge